

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



DEC 10 2012

The Honorable Janice K. Brewer
Governor of Arizona
State Capitol
1700 West Washington
Phoenix, Arizona 85007

Dear Governor Brewer:

This letter provides approval of Arizona's State Integrated Workforce Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, plans for coordination with Trade Adjustment Assistance (TAA), and Title V of the Older Americans Act. The Employment and Training Administration (ETA) received the State Integrated Workforce Plan on September 17, 2012. This letter also addresses Arizona's WIA waiver requests.

Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, and TEGL No. 21-11, Change 1 issued on August 8, 2012 provide guidance for states to submit their State Workforce Plans and waivers for Program Year (PY) 2012 and beyond. We appreciate the State's responsiveness to this guidance.

Plan Review and Approval

ETA has reviewed the Arizona State Integrated Workforce Plan in accordance with Title I of WIA, the Wagner-Peyser Act, the Trade Act (as amended), the corresponding regulations, the State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act, and Department of Labor Workforce Programs (<http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>), Title V of the Older Americans Act and corresponding regulations, TEGL No. 21-11, and the corresponding Change 1. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822), and WIA section 501 (20 USC 9271) which pertains to State Unified Plans, that ETA is approving those portions of the Arizona State Integrated Workforce Plan that relate to Title I of WIA, the Wagner-Peyser Act, and TAA for Program Years 2012-2016, July 1, 2012 through June 30, 2017. The annual W-P Agricultural Outreach Plan is approved for the period July 1, 2012 through June 30, 2013. The Senior Community Service Employment Program (SCSEP) State Plan has been reviewed by both ETA and the Administration on Aging, and is approved for Program Years 2012-2015, July 1, 2012 through June 30, 2016. The State is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012 through June 30, 2017.

Performance Levels

Each year, the Regional Administrator negotiates the Program Year's WIA and W-P performance goals with each state. As required by TEGLs No. 21-11 and 38-11 dated June 18, 2012, negotiations must be completed by December 31, 2012 for PY 2012. Once the final goals are established, the Regional Administrator's letter advising the State of the PY 2012 WIA and W-P final performance goals constitutes a modification to the State Workforce Plan. ETA will incorporate Arizona's final performance goals for PY 2012 into the Regional and National Office copies of the State Integrated Workforce Plan. Please include the final PY 2012 goals in the State's official copy of the State Workforce Plan.

Waivers

As part of Arizona's State Integrated Workforce Plan, the State submitted waiver requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The State's requests for waivers are written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c). The disposition of the State's waiver requests is outlined below. This action is taken under the Secretary's authority at WIA Section 189(i) to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The State requested a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The State is granted this waiver through June 30, 2017. Under the waiver, transfer authority is limited to 50 percent. This limitation provides states flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs.

Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

The State requested a waiver of the requirement for competitive procurement of service providers for three of the ten youth program elements. The State is granted this waiver through June 30, 2017. Under this waiver, the State is permitted to allow its One-Stop Career Centers or partner agencies to directly provide the youth program elements of supportive services, follow-up services, and work experience. In utilizing this waiver for these elements, the State and local areas must still meet Office of Management and Budget requirements (codified in 29 CFR 95.40-95.48 and 97.36) and all state and local procurement laws and policies.

Waiver of the required 50 percent employer contribution for customized training at WIA Section 101(8)(C).

The State requested a waiver of the required 50 percent employer contribution for customized training to permit the use of a sliding scale for the employer contribution based on the size of the business. The State is granted this waiver through June 30, 2017. Under the waiver, the following sliding scale is permitted: 1) no less than 10 percent match for employers with 50 or fewer employees, and 2) no less than 25 percent match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent contribution) continue to apply. When determining the funding source for customized training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide customized training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide funds must serve WIA eligible individuals.

Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The State requested a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The State is granted this waiver through June 30, 2017. Under the waiver, the State is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

Waiver of WIA Section 134(a)(1)(A) to permit a portion of the funds reserved for rapid response activities to be used for incumbent worker training.

The State requested a waiver to permit use of rapid response funds to conduct allowable statewide activities as defined under WIA Section 134(a)(3), specifically incumbent worker training. The State is granted this waiver through June 30, 2017. Under this waiver, the State is permitted to use up to 20 percent of rapid response funds for incumbent worker training only as part of a layoff aversion strategy. ETA believes limiting incumbent worker training to layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. The State is required to report performance outcomes for any incumbent workers served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for PY 2009 and 2010" and TEGL No. 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

Waiver to permit the Gila County REPAC to negotiate a uniform set of measures and represent the five local areas in preparation of the State annual report as described in Section 136(c); 20 CFR 666.300 and 666.310.

The State requested this waiver to support its integration of the Gila County REPAC. ETA is granting this waiver through June 30, 2017.

Waiver of WIA Section 136(h) and 20 CFR 666.420 to apply any applicable sanctioning to the Gila County REPAC with regard to those performance measures that were negotiated collectively.

The State requested this waiver to support its integration of the Gila County REPAC. ETA is granting this waiver through June 30, 2017.

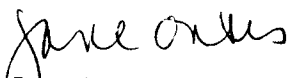
Waiver to permit the Gila County REPAC to be allocated the Dislocated Worker program funds for the Gila/Pinal and the Nineteen Tribal Nations local workforce investment areas.

The State has withdrawn this waiver request.

The approved waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and are incorporated into the State Integrated Workforce Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and with the approved State Plan. In addition, as described in TEGL No. 29-11, the State should address the impact these waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your State Integrated Workforce Plan for PY 2012 and beyond. We encourage your efforts in exploring the adoption of the American Job Center brand. We are available to provide technical assistance. If you have any questions related to the issues discussed above, please contact Latha Seshadri the Federal Project Officer for Arizona, at 415-625-7937 or Seshadri.Latha@dol.gov.

Sincerely,


Jane Oates
Assistant Secretary

Enclosures

cc: Virginia Hamilton, Regional Administrator, ETA San Francisco Regional Office
Latha Seshadri, Federal Project Officer for Arizona

Fox, Sean - ETA

From: Millman, Joel, E [JoelMillman@azdes.gov]
Posted At: Monday, September 17, 2012 7:11 PM
Conversation: (Re-submittal) - State of Arizona 2012 -16 Integrated Workforce Plan
Posted To: WIA.PLAN

Subject: (Re-submittal) - State of Arizona 2012 -16 Integrated Workforce Plan

On behalf of the State of Arizona and in accordance with the submittal requirements outlined in Training and Employment Guidance Letter No. 21-11, the URL for the State of Arizona 2012-16 Integrated Workforce Plan is identified below.

This plan was originally submitted on September 10, 2012, but we were made aware today that certain links in that version were not functional. This has been corrected.

<https://www.azdes.gov/uploadedFiles/Employment/Arizona-Integrated-Workforce-Plan-2012-2016.pdf>

The State of Arizona certifies that no changes were made to the version previously posted on this website other than to make the identified links accessible.

Please contact me if there are problems accessing this website.

Thank you.

*Joel Millman
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F. WIA Waiver Requests

The State of Arizona is including detail on requests for the following waivers:

1. Adult – Dislocated Worker Funds Transfer
2. Competitive Procurement for Youth Program Elements
3. Customized Training – Employer Contribution
4. Eligible Program Performance and Cost for ETP
5. Rapid Response – Incumbent Worker Layoff Aversion Waiver Request
6. Sanctions for Consortium of Local Areas (REPAC)
7. Uniform Performance Measures for Consortium of Local Areas (REPAC)
8. Within State Allocations – Dislocated Workers (REPAC)

1. Workforce Investment Act Waiver Request

Date: September 17, 2012

Waiver Request: **Adult-Dislocated Worker Funds Transfer**

Entity: Arizona Department of Economic Security
1789 W. Jefferson
Phoenix, AZ 85007
Phone: (602) 542-1784
Fax: (602) 542-2491

Governor: Janice K. Brewer

Duration: July 1, 2012, to June 30, 2016

Statutory and/or regulatory requirements to be waived:

- Public Law 105-220, Section 133(b)(4)

Actions undertaken to remove state or local barriers

The Governor of Arizona and the Arizona Department of Economic Security (DES), as the state grant administrator for WIA Title I-B funds, are requesting a waiver to those relevant sections of the Workforce Investment Act (WIA) to increase the transfer authority to 50% between the Adult Employment and Training and Dislocated Workers programs. Local decisions have been constrained at times by federal funding rules that obliged limiting funding and thus, services to adults or dislocated workers.

With this waiver, the State of Arizona provides Local Workforce Investment Area Boards (LWIBs) with greater flexibility in the administration of their finances in these times of limited funds and fiscal challenges.

Goals and expected programmatic outcomes of waiver

The Workforce Arizona Council for the State of Arizona will continue to advocate for local alliances that strengthen the level and mix of services to job seekers, as well as streamlining service delivery. The waiver would allow flexibility in the transfer of funds to ensure that services to both adults and dislocated workers shall be maintained at levels sufficient to meet the distinct needs of each group.

The flexibility of transferring 50% of funds between the adult and dislocated workers programs allows LWIBs to respond more effectively to their individual communities. With the waiver, the LWIBs shall be:

- obliged to design programs that speak to the service priorities of their customers, and that lead to customer employment and self-sufficiency;
- able to establish a skilled, and competitive workforce; and
- able to continue to ensure a more effective delivery of WIA programs and services.

Individuals impacted by the waiver

- Adult and Dislocated Workers

Process for monitoring progress in implementation

The State of Arizona continually assesses the effectiveness of the WIA Title I-B programs. Policies and guidelines will be monitored by programmatic and fiscal monitors. Monitoring annually will ensure that appropriate funding levels and activities meet the needs of the adults and dislocated workers.

Notice to affected Local Workforce Investment Area Boards

The waiver request was posted on the State's official websites.

Public comment

The State Plan which included this proposed waiver request was posted on the State's official website for a 30-day solicitation of public comment period. There were no comments or concerns received regarding the proposed waiver.

2. Workforce Investment Act Waiver Request

Date: September 17, 2012

Waiver Request: **Competitive Procurement for Youth Program Elements**

Entity: Arizona Department of Economic Security
1789 W. Jefferson
Phoenix, AZ 85007
Phone: (602) 542-1784
Fax: (602) 542-2491

Governor: Janice K. Brewer

Duration: July 1, 2012, to June 30, 2016

Statutory and/or regulatory requirements to be waived:

- Public Law 105-220, Section 112(b)(18)(B); 117(d)(2)(B); 117(e); 117(h)(4)(B)(i) and (ii); 123; 129(c)(2)
- 20 CFR Part §664.610; 29 CFR Part §95.40-48 and §97.36
- Circulars published by the U.S. Office of Management and Budget
- US USDOL ETA Training and Employment Guidance Letter (TEGL) 9-00 dated January 23, 2001

Actions undertaken to remove state or local barriers

The Governor of Arizona and the Arizona Department of Economic Security (DES) as the state grant administrator for WIA Title I-B funds are requesting a continuation of an existing waiver of those relevant sections of the Workforce Investment Act (WIA) requiring competitive procurement of youth service providers by Local Workforce Investment Area Boards (LWIBs).

Arizona is currently operating under a waiver that permits the State to allow its One Stop Career Centers and partner agencies to directly provide the following youth program elements: supportive services, paid and unpaid work experience, and follow-up services. In utilizing this waiver, the State and Local Workforce Investment Areas must still meet Office of Management and Budget requirements (codified in 29 CFR 95.40-95.48 and 97.36) and all state and local procurement laws and policies.

The State of Arizona has not identified any state or local statutory barriers to implementing the requested waiver. Present regulations and policy statements comply with current federal law.

Goals and expected programmatic outcomes of waiver

The expected programmatic outcomes of the youth procurement waiver are to:

- Maximize quality-training opportunities for workforce system customers.
- Identify eligible providers of youth activities by awarding contracts on a competitive basis, based on recommendation of the youth council, on the criteria contained in the state plan to providers to carry out the activities, and shall conduct over site with respect to the providers in the LWIA.
- Increase the number of providers that can deliver activities to participants.

Individuals impacted by the waiver

- Youth meeting WIA Youth Program eligibility requirements
- School, public, and community-based organizations that serve youth who meet program eligibility requirements

Process for monitoring progress in implementation

Monitoring will be conducted by fiscal and programmatic monitors to ensure compliance with the intent of this waiver and the use of the WIA Title I-B funds by the LWIAs.

Notice to affected Local Workforce Investment Area Boards

The waiver request was posted on the State's official websites.

Public comment

The State Plan which included this proposed waiver request was posted on the State's official website for a 30-day solicitation of public comment period. There were no comments or concerns received regarding the proposed waiver.

3. Workforce Investment Act Waiver Request

Date: September 17, 2012
Waiver Request: **Customized Training – Employer Contribution**
Entity: Arizona Department of Economic Security
1789 W. Jefferson
Phoenix, AZ 85007
Phone: (602) 542-1784
Fax: (602) 542-2491
Governor: Janice K. Brewer
Duration: July 1, 2012, to June 30, 2016

Statutory and/or regulatory requirements to be waived:

- Public Law 105-220, Section 101(8)(C)
- 20 CFR §663.715(c)

Actions undertaken to remove state or local barriers

The Governor of Arizona and the Arizona Department of Economic Security (DES) as the state grant administrator for WIA Title I-B funds are requesting a waiver to those relevant sections of the Workforce Investment Act (WIA) to allow a waiver to change the required 50% employer match based on a sliding scale.

The following schedule of costs to businesses will be instituted based on the number of employees in their business applicant's workforce.

- A business with more than 250 employees must pay 50% of the training cost.
- A business with 51-250 employees must pay no less than 25% of the training cost.
- A business with 50 or fewer employees must pay no less than 10% of the training cost.

Through this approach, this waiver will allow the State of Arizona to waive the requirements for employers to match 50% of their portion of the cost of customized training and allow for the implementation of such training based on a sliding scale.

Goals and expected programmatic outcomes of waiver

With the goal of creating a labor pool comprised of individuals possessing the marketable skills they require, employers will benefit by having increased flexibility to meet business and industry specific needs. The proposed sliding scale for the employer match will allow for a more appropriate match rate which represents a particular business or industry's cost benefit ratio. The implementation of a sliding scale will promote the increase of employers using customized training programs.

Individuals impacted by the waiver

- Adults and Dislocated Workers

Process for monitoring progress in implementation

Monitoring will be conducted by programmatic monitors to ensure compliance with the intent of this waiver and the use of the WIA Title I-B funds by the LWIAs.

Notice to affected Local Workforce Investment Area Boards

The waiver request was posted on the State's official websites.

Public comment

The State Plan which included this proposed waiver request was posted on the State's official website for a 30-day solicitation of public comment period. There were no comments or concerns received regarding the proposed waiver.

4. Workforce Investment Act Waiver Request

Date: September 17, 2012

Waiver Request: **Initial Eligibility, Program Performance and Cost Waiver for Eligible Training Providers**

Entity: Arizona Department of Economic Security
1789 W. Jefferson
Phoenix, AZ 85007
Phone: (602) 542-1784
Fax: (602) 542-2491

Governor: Janice K. Brewer

Duration: July 1, 2012, to June 30, 2016

Statutory and/or regulatory requirements to be waived:

- Public Law 105-220, Section 122(d)(i); 136(d)(2)(A-C); 136(h)
- Federal Register 20 CFR § 665.200; §663.500; §663.515(c)(3)(ii-iii); §663.530; §663.535(c)(1,2)(c); §663.540; and §663.540(a)(1)(2)

Actions undertaken to remove state or local barriers

The Governor of Arizona and the Arizona Department of Economic Security (DES) as the state grant administrator for WIA Title I-B funds are requesting a waiver to those relevant sections of the Workforce Investment Act (WIA) of the requirement for training provider's programs determined to be subsequently eligible, from reporting performance outcomes on an annual basis. This waiver request does not pertain to the requirement to report cost information for WIA participants enrolled in eligible provider programs.

Goals and expected programmatic outcomes of waiver

The State of Arizona recently implemented a new case management and reporting system. This waiver will afford the opportunity for providers to learn the new system and put into place processes that are consistent with collecting and reporting required information as it relates to performance outcomes.

Implementation of this waiver will allow the State of Arizona to develop policies and procedures that will eventually allow for the submittal of annual performance outcomes.

Providers will be responsible for developing programs that results in employment opportunities based on proven performance measures. This waiver will allow WIA participants, training providers, and employers to continue engaging in approved programs leading to gainful employment and self-sufficiency.

Individuals impacted by the waiver

- Youth, Adults and Dislocated Workers

Process for monitoring progress in implementation

The ETP State Administrator will work with Local Area Workforce Investment Boards (LWIBs) to establish policies and procedures for determining provider's program eligibility, and the degree to which information, including performance information, on those providers is made available to customers eligible for training services.

The ETP State Administrator will continue to monitor providers and solicit feedback from WIA participants to acquire first-hand knowledge that approved programs maintain the set standards. This will result in providers becoming more proficient in collecting and reporting the necessary performance outcomes for their approved programs.

It will be the responsibility of each Local Workforce Investment Area (LWIA) Eligible Training Provider (ETP) Approver to work with providers to ensure an understanding of how to gather and report performance outcomes based on established policies and procedures, prior to reviewing subsequent programs for renewal. Thereafter, each LWIA will be responsible for monitoring provider's progress in implementing processes and procedures for ongoing accountability, and consistency related to reported performance outcomes.

Notice to affected Local Workforce Investment Area Boards

The waiver request was posted on the State's official websites.

Public comment

The State Plan which included this proposed waiver request was posted on the State's official website for a 30-day solicitation of public comment period. There were no comments or concerns received regarding the proposed waiver.

5. Workforce Investment Act Waiver Request

Date: September 17, 2012

Waiver Request: **Use of Rapid Response Funds for Incumbent Worker Training for Layoff Aversion**

Entity: Arizona Department of Economic Security
1789 W. Jefferson
Phoenix, AZ 85007
Phone: (602) 542-1784
Fax: (602) 542-2491

Governor: Janice K. Brewer

Duration: July 1, 2012, to June 30, 2016

Statutory and/or regulatory requirements to be waived:

- Public Law 105-220, Section 134(a)(1)(A)

Actions undertaken to remove state or local barriers

The Governor of Arizona and the Arizona Department of Economic Security (DES) as the state grant administrator for WIA Title I-B funds are requesting a waiver of WIA Section 134(a)(1)(A) for permission to use up to 20% of Rapid Response funds for Incumbent Worker Training as part of layoff aversion only.

This waiver will allow for a broader range of services to be provided to dislocated workers for layoff aversion strategies and greater flexibility in our challenging economy.

Goals and expected programmatic outcomes of waiver

Given the increasing competitiveness, it is imperative that businesses remain strong and productive through a skilled and educated workforce. This waiver can assist in ensuring that workers enhance advancement within their industries. Skilled and productive workers allow businesses to grow and create new jobs as product lines and customer bases expand.

The State of Arizona believes its partners and Local Workforce Investment Area Boards (LWIBs) are ready to embrace incumbent worker training as an activity integrated into our industry sector/layoff aversion strategies.

Arizona will develop criteria for use of rapid response funds to ensure innovative training and service delivery approaches that enhance services to dislocated workers are delivered.

Individuals impacted by the waiver

- Dislocated Workers

Process for monitoring progress in implementation

The State of Arizona will continue to monitor progress on this waiver by reviewing monthly expenditure and performance reports submitted. Rapid Response Round Tables will be considered to discuss and measure the success of such trainings.

Notice to affected Local Workforce Investment Area Boards

The waiver request was posted on the State's official websites.

Public comment

The State Plan which included this proposed waiver request was posted on the State's official website for a 30-day solicitation of public comment period. There were no comments or concerns received regarding the proposed waiver.

6. Workforce Investment Act Waiver Request

Date: September 17, 2012

Waiver Request: **Sanctions for Consortium of Local Areas (REPAC)**

Entity: Arizona Department of Economic Security
1789 W. Jefferson
Phoenix, AZ 85007
Phone: (602) 542-1784
Fax: (602) 542-2491

Governor: Janice K. Brewer

Duration: July 1, 2012, to June 30, 2016

Statutory and/or regulatory requirements to be waived:

- Public Law 105-220, Section §136 (h)

Actions undertaken to remove state or local barriers

The Governor of Arizona and the Arizona Department of Economic Security (DES) as the state grant administrator for WIA Title I-B funds are requesting a waiver to those relevant sections of the Workforce Investment Act (WIA) to allow Gila County Re-Employment Pre-layoff Assistance Center (REPAC) to serve as the Dislocated Workers program operator, including rapid response activities, and bear all responsibility in the event of failure to meet performance levels, based on the dislocated workers core indicators on behalf of the following Local Workforce Investment Areas (LWIAs): Gila/ Pinal and Nineteen Tribal Nations.

Goals and expected programmatic outcomes of waiver

The benefits of allowing the two LWIAs to operate as a consortium for dislocated workers activities include will allow for consistent and standardized monitoring of performance outcomes in these Local Workforce Investment Areas while operating the Dislocated Workers programs for the Gila/Pinal and the Nineteen Tribal National LWIAs.

Individuals impacted by the waiver

- Dislocated Workers

Process for monitoring progress in implementation

The Gila County REPAC is the administrative entity for the LWIA consortium. The Department of Economic Security (DES) will monitor dislocated workers performance through annual monitoring and performance reports. DES shall provide technical assistance for failed performance and take corrective actions as identified for failure in performance for a second consecutive year.

Notice to affected Local Workforce Investment Area Boards

The waiver request was posted on the State's official websites.

Public comment

The State Plan which included this proposed waiver request was posted on the State's official website for a 30-day solicitation of public comment period. There were no comments or concerns received regarding the proposed waiver.

7. Workforce Investment Act Waiver Request

Date: September 17, 2012

Waiver Request: **Local Performance Measures for Consortium of Local Areas (REPAC)**

Entity: Arizona Department of Economic Security
1789 W. Jefferson
Phoenix, AZ 85007
Phone: (602) 542-1784
Fax: (602) 542-2491

Governor: Janice K. Brewer

Duration: July 1, 2012, to June 30, 2016

Statutory and/or regulatory requirements to be waived:

- Public Law 105-220, Section 136(c)
- 20 CFR Part 652 et al., §666.300, §666.310

Actions undertaken to remove state or local barriers

The Governor of Arizona and the Arizona Department of Economic Security (DES) as the state grant administrator for WIA Title I-B funds are requesting a waiver to those relevant sections of the Workforce Investment Act (WIA) to allow the Gila County Re-Employment and Pre-layoff Assistance Center (REPAC) to serve as the Dislocated Workers program operator for the following Local Workforce Investment Areas (LWIAs): Gila/Pinal and the Nineteen Tribal Nations.

The two LWIAs shall operate as a consortium allowing funds allocated to their respective Local Workforce Investment Areas to be pooled by Gila County REPAC for the purposes of delivering dislocated workers and rapid response services. In addition, Gila County REPAC shall be delegated the authority to negotiate and report Dislocated Workers program performance levels on behalf of the consortium.

Goals and expected programmatic outcomes of waiver

The benefits of allowing the two LWIAs to operate as a consortium for dislocated workers activities include:

- providing staff for each LWIA;
- leveraging resources and using them where the need arises; allowing services to be delivered in Local Workforce Investment Areas with insufficient formula funds; and
- increasing service levels so that performance standards and measures do not dramatically change while operating the dislocated workers program.

DES staff will work directly with Gila County REPAC in regards to funds allocation and performance level negotiations.

Individuals impacted by the waiver

- Dislocated Workers

Process for monitoring progress in implementation

The Gila County REPAC is the administrative entity for the Gila/Pinal and Nineteen Tribal Nation Dislocated Worker consortium. The consortium is formed with the limited purpose of administering dislocated worker formula funds for the two LWIAs through a single, mutually agreed entity. The LWIAs will each administer their own adult and youth funded programs. DES shall continue to monitor the performance of the Gila County REPAC consortium.

Notice to affected Local Workforce Investment Area Boards

The waiver request was posted on the State's official websites.

Public comment

The State Plan which included this proposed waiver request was posted on the State's official website for a 30-day solicitation of public comment period. There were no comments or concerns received regarding the proposed waiver.

8. Workforce Investment Act Waiver Request

Date: September 17, 2012

Waiver Request: **Within State Allocations – Dislocated Workers (REPAC)**

Entity: Arizona Department of Economic Security
1789 W. Jefferson
Phoenix, AZ 85007
Phone: (602) 542-1784
Fax: (602) 542-2491

Governor: Janice K. Brewer

Duration: July 1, 2012, to June 30, 2016

Statutory and/or regulatory requirements to be waived:

- Public Law 105-220, Section 133(b)(2)(B)

Actions undertaken to remove state or local barriers

The Governor of Arizona and the Arizona Department of Economic Security (DES) as the state grant administrator for WIA Title I-B funds are requesting a waiver to those relevant sections of the Workforce Investment Act (WIA) to allow Gila County Re-Employment and Pre-layoff Assistance Center (REPAC) be allocated the Dislocated Worker program funds for the following Local Workforce Investment Areas (LWIAs): Gila/Pinal and the Nineteen Tribal Nations.

State allocations require dislocated worker employment and training funds to be allocated to each Local Workforce Investment Area based on an allocation formula prescribed by the Governor. Through a local consortium agreement, each LWIA will authorize Gila County REPAC to act on their behalf in the expenditure of dislocated worker and rapid response funds. The dislocated worker funding formula applied at the federal level does not adequately address the variations incurred within states in regards to mass layoff and major dislocation events. The formula does not consistently allocate funds based on local need. This local need of funding through formula allocation does not allow these Local Workforce Investment Areas to independently conduct meaningful long or short term financial planning that is necessary to develop and deliver high quality services for the dislocated workers.

Goals and expected programmatic outcomes of waiver

The benefits of allowing the two LWIAs to operate as a consortium for dislocated worker activities include:

- providing staff for each county;
- leveraging resources and using them where the need arises;
- allowing services to be delivered in Local Workforce Investment Areas with insufficient formula funds; and
- increasing service levels so that performance standards and measure do not dramatically change while operating the dislocated worker program.

Individuals impacted by the waiver

- Dislocated Workers

Process for monitoring progress in implementation

The Gila County REPAC is the administrative entity for the LWIA consortium. The consortium is formed with the limited purpose of administering dislocated worker formula funds for the two counties through a single, mutually agreed entity. The counties will each administer their own adult and youth funded programs. DES will continue to monitor the performance of the Gila County REPAC consortium.

Notice to affected Local Workforce Investment Area Boards

The waiver request was posted on the State's official websites.

Public comment

The State Plan which included this proposed waiver request was posted on the State's official website for a 30-day solicitation of public comment period. There were no comments or concerns received regarding the proposed waiver.